

Serial No. 09/591,112

REMARKS

Claims 1, 23, 25, 26 and 28 have been amended. Claims 16, 17, 24, 27 and 29 have been canceled. Attached as an APPENDIX is another version of the rewritten claims, marked up to show all the changes relative to the previous version of the claims. Upon entry of the amendments, claims 1-15, 18-23, 25-26, 28 and 30 are pending in this application.

Claims 1-11 and 23-30 stand rejected under 35 USC 102(b) as being anticipated by Bulbrook (GB 2,229,099). Claims 12-15 stand rejected under 35 USC 103 as being unpatentable over Bulbrook in view of Gaito (US 5,462,281). Claims 16-17 stand rejected under 35 USC 103 as being unpatentable over Bulbrook in view of Oretsky (US 4,647,049). Claims 19-22 stand rejected under 35 USC 103 as being unpatentable over Bulbrook in view of Wood (US 5,868,388).

1. Bulbrook and Ortesky, whether taken alone or in combination, do not teach the invention of claim 1

Independent claim 1 has been amended to incorporate the features of claims 16 and 17. Accordingly, claim 1 now recites a chess game playing array assembly including a plurality of three-dimensional playing segments disposed relative to one another to define an array of playing spaces on which a game of chess may be played,

Serial No. 09/591,112

wherein the plurality of three dimensional playing segments are spaced apart by one or more voids, and one or more void fillers disposed in the respective one or more voids, wherein the one or more void fillers includes an upstanding wall separating adjacently disposed playing segments.

As the Examiner notes, Bulbrook does not teach void fillers. Office Action, page 3, paragraph 5. In an effort to cure this deficiency of Bulbrook as a teaching reference, the Examiner contends that Oretsky teaches void fillers in the shape of a wall (6,8) and that "in order to make the game interesting, it would have been obvious to provide such commonly used items." Office Action, page 3, paragraph 5.

The Examiner has not presented a prima facie case of obviousness, as the Examiner has not identified any objective teaching, suggestion or motivation in the prior art that would lead one of ordinary skill in the art to combine the relevant teachings of the references. Instead, the Examiner has resolved the factual question of motivation based on subjective belief ("in order to make the game interesting") and conclusory statements ("One of ordinary skill in the art at the time the invention was made would have provided fillers as indicated by Oretsky.") For at least this reason, it is respectfully requested that the rejection of claim 1, as well as the rejection of dependent claims 2-15 and 18-22, be withdrawn and that the claims be allowed.

Moreover, it is not seen where in Bulbrook or Oretsky there is any motivation, teaching or suggestion to combine theses references. Bulbrook is directed to a surface

Serial No. 09/591,112

for playing games such as chess, wherein the playing squares of the board lie in a plurality of parallel horizontal planes disposed at different heights. Bulbrook states that the surface is *not* continuous (page 1, line 17) and that the surface approximately conforms to a concave solid surface, resembling the shape of an arena (page 4, lines 14-16).

Oretsky, in contrast, is directed to a board game consisting of a playing board having multiple rows and columns of squares, between which is provided a groove 3 of a sufficient width and depth to allow the bottom edges of a moveable grid 6 to fit within the grooves. Players move the moveable grid into and out of plus-sign portions of the playing board. It is not seen where in Bulbrook there is any teaching or suggestion of providing a grid or walls between the playing squares. Also, Oretsky is void of any teaching or suggestion of a grid in connection with a multi-tier or multi-height playing board. Indeed, it is not seen how the grid of Oretsky can be fit between the playing squares of Bulbrook, as the depth across the squares is not continuous, as is the case in Oretsky (see Fig. 1 of Oretsky).

For at least the foregoing reasons, it is respectfully requested that the rejection of claim 1, as well as the rejection of dependent claims 2-15 and 18-22, be withdrawn and that the claims be allowed.

2. *Bulbrook does not disclose the invention of claim 23*

Independent claim 23 has been amended to incorporate the features of claims 24 and 27, and to recite more specifically the motifs of the playing segments. According to amended claim 23, first and second opposing playing segments are sloped, and the first playing segment includes a first motif having a first landscape terrain pattern and the second playing segment includes a second motif having a second landscape terrain pattern different from that of the first landscape terrain pattern of the first motif. Support for the amendment may be found, for example, at page 10, line 30 to page 11, line 12, and Fig. 16.

Bulbrook does not disclose, teach or suggest a chess game playing array assembly including first and second opposing playing segments in which each playing segment includes its own motif having its own landscape terrain pattern. According to Bulbrook, the playing segments are all the same (see Figs. 4-4B) and opposing playing segments do not have their own motif or landscape terrain pattern.

For at least the foregoing reasons, it is respectfully requested that the rejection of claim 23, as well as the rejection of dependent claims 25 and 26, be withdrawn and that the claims be allowed.

3. *Bulbrook does not disclose the invention of claim 28*

Independent claim 28 has been amended to incorporate the feature of claim 29 and to recite more specifically the motifs of the playing segments. According to amended claim 28, first, second and third three dimensional playing segments are disposed relative to one another to define an array of playing spaces on which a game of chess may be played. The first and second playing segments include respective first and second playing motifs, and first and second arrays of playing spaces. The first playing motif is different than the second playing motif. The third playing segment is disposed between the first and second playing segments and includes a third playing motif, and a third array of playing spaces. The third playing motif is different from that of the first and second playing motifs. The first, second and third arrays of playing spaces together form an eight row by eight column array of playing spaces. Support for the amendment may be found, for example, at page 11, lines 13-28 and Fig. 17.

Bulbrook does not disclose, teach or suggest a chess game playing array assembly including first, second and third playing segments in which each playing segment includes its own motif and has its own array of playing spaces. As was noted above, according to Bulbrook, the playing segments are all the same (see Figs. 4-4B) and do not have their own motif and array of playing spaces.

Serial No. 09/591,112

For at least the foregoing reasons, it is respectfully requested that the rejection of claim 28, as well as the rejection of dependent claim 30, be withdrawn and that the claims be allowed.

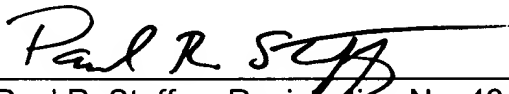
Conclusion

In view of the foregoing, the present application is believed to be in condition for allowance and an early indication to that effect is earnestly solicited.

The Commissioner is authorized to charge any fees, including additional claim fees, to Deposit Account No. 18-0988, Order No. HUTCP0101US.

Respectfully submitted,

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APPENDIX

In the Claims:

Please amend claims 1, 23, 25, 26 and 28 as follows:

1. (Amended) A chess game playing array assembly comprising:
a plurality of three-dimensional playing segments disposed relative to one another to define an array of playing spaces on which a game of chess may be played;
wherein the plurality of three dimensional playing segments are spaced apart by one or more voids, and
one or more void fillers disposed in the respective one or more voids,
wherein the one or more void fillers comprises an upstanding wall
separating adjacently disposed playing segments.

23. (Amended) A chess game playing array assembly comprising:
first and second opposing [a plurality of three-dimensional] playing
segments disposed relative to one another to define an array of playing spaces on which a game of chess may be played;
[wherein at least one of the playing segments includes a motif different from that of another of the playing segments]
wherein the first and second opposing playing segments are sloped, and
wherein the first playing segment includes a first motif having a first landscape terrain

Serial No. 09/591,112

pattern and the second playing segment includes a second motif having a second landscape terrain pattern different from that of the first landscape terrain pattern of the first motif.

25. (Amended) A chess game playing array assembly as set forth in claim 23 [24], wherein each of the first and second playing segments defines a four row by eight column array of playing spaces such that when disposed relative to one another collectively an eight row by eight column array of playing spaces is formed.

26. (Amended) A chess game playing array assembly as set forth in claim 23 [24], wherein the first and second playing segments are disposed in opposing abutting relation.

28. (Amended) A chess game playing array assembly comprising:
first, second and third three dimensional playing segments disposed relative to one another to define an array of playing spaces on which a game of chess may be played;

the first and second playing segments including respective first and second playing motifs, the first playing motif being different than the second playing motif, and first and second arrays of playing spaces [each defining a two row by eight

Serial No. 09/591,112

column array of playing spaces], and the third playing segment [defining a four row by eight column array of playing spaces, the third playing segment] being disposed between the first and second playing segments and including a third playing motif different from that of the first and second playing motifs and a third array of playing spaces, the first, second and third arrays of playing spaces together forming [to form] an eight row by eight column array of playing spaces.

Please cancel claims 16, 17, 24, 27 and 29.

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